

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	11-00046-01/09-CR-W-ODS
JAMES ALLEN JACOBS, JR., et al.)	
)	
Defendants.)	

ORDER CONTINUING CURRENT TRIAL SETTING

Before the court is a motion to continue filed by defendant Johnny Smith. In support of the motion, defendant states in part as follows:

1. There has been one previous continuance requested and received.
2. This case involves nine defendants and four different counts. Count One, the conspiracy count, has a not less than ten year minimum sentence. This is a significant sentence and discovery needs to be reviewed carefully. The discovery is voluminous and all defendants have been working on the review of discovery. As of the filing of this Motion, not one defendant has set his or her case for a plea. This is due, in part, to the significant amount of time the review of discovery has taken and the careful evaluation of the discovery.
3. Counsel for Mr. Smith needs additional time to adequately investigate and prepare for the charges against Mr. Smith. Mr. Smith and counsel have met on several occasions and reviewed discovery, but due to the considerable volume, additional time is necessary.
4. All codefendants have been contacted and all are in agreement with this request. The January 2012 trial docket is a suitable trial date for all parties involved.
5. Counsel for Mr. Smith has spoken with the United States Attorney's Office who has no objection to this request.

The Speedy Trial Act of 1974, as amended, mandates the commencement of the trial of a defendant within 70 days from the defendant's first appearance before a judicial officer of the court in which the charge is pending. In computing the 70-day time period, the periods of delay set forth in 18 U.S.C. § 3161(h) are to be excluded. Any period of delay resulting from a continuance granted at the request of a defendant is excludable if the court finds the ends of

justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial, provided the court sets forth the reason for such finding.

In light of the circumstances described above, I find that the ends of justice served by removing this criminal action from the joint criminal jury trial docket which will commence October 24, 2011, and continuing the trial until the joint criminal jury trial docket which will commence January 9, 2012, outweigh the best interest of the public and the defendant in a speedy trial.

In accordance with § 3161(h)(7)(C), congestion of the court's calendar was not considered in deciding to remove this case from the joint criminal jury trial docket which will commence October 24, 2011.

In light of the circumstances described above, it is

ORDERED that this criminal action is removed from the joint criminal jury trial docket which will commence October 24, 2011. It is further

ORDERED that this criminal action is set for trial on the joint criminal jury trial docket which will commence January 9, 2012. It is further

ORDERED that, pursuant to 18 U.S.C. § 3161(h)(7), the time between the date of this order and January 9, 2012, shall be excluded in computing the time within which the trial of this criminal action must commence.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
September 27, 2011